

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ALCATEL-LUCENT USA INC.**

**v.**

**AMAZON.COM, INC.; ZAPPOS.COM, INC.;  
NETFLIX, INC.; OVERSTOCK.COM, INC.;  
QVC, INC.; SEARS HOLDING  
CORPORATION; SEARS HOLDINGS  
MANAGEMENT CORPORATION; SEARS,  
ROEBUCK AND CO.; SEARS BRANDS, LLC;  
K MART CORPORATION; K MART HOLDING  
CORPORATION; LANDS' END, INC.;  
NEWEGG INC.; MAGNELL ASSOCIATE INC.  
d/b/a NEWEGG.COM; and INTUIT INC.**

**Civil Case No. 6:09-CV-422-LED**

**JURY DEMANDED**

**JOINT MOTION FOR DISMISSAL WITH PREJUDICE**

Alcatel-Lucent USA Inc. and Amazon.com, Inc. and Zappos.com, Inc., by and through their attorneys of record, hereby move the Court to dismiss with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the claims and counterclaims between Alcatel-Lucent USA Inc. and Amazon.com, Inc. and Zappos.com, Inc. in the above-captioned matter. Each party is to bear its own attorneys' fees and costs.

Dated: October 13, 2011

Respectfully submitted,

By: /s/ Jan M. Conlin, with permission by  
Michael E. Jones

Michael E. Jones (Tx. No. 10929400)  
POTTER MINTON, P.C.

110 N. College  
500 Plaza Tower  
Tyler, TX 75702

T: (903) 597-8311

F: (903) 593-0846

mikejones@potterminton.com

**ROBINS, KAPLAN, MILLER & CIRESI LLP**

Jan M. Conlin (*pro hac vice*)  
Emmett J. McMahon (*pro hac vice*)  
Thomas C. Mahlum (*pro hac vice*)  
2800 LaSalle Plaza  
800 LaSalle Avenue  
Minneapolis, MN 55402-2015  
T: 612-349-8500  
F: 612-339-4181

**COUNSEL FOR PLAINTIFF ALCATEL-  
LUCENT USA INC.**

By: /s/ Thomas M. Melsheimer, with permission by  
Michael E. Jones

FISH & RICHARDSON P.C.

Thomas M. Melsheimer (TX SBN 13922550) (*Lead  
Counsel*)

Neil J. McNabney (TX SBN 24002583)

Michael R. Bittner (TX SBN 24064905)

1717 Main Street, Suite 5000

Dallas, TX 75201

Telephone: (214) 747-5070

Facsimile: (214) 747-2091

Email: melsheimer@fr.com

mcnabney@fr.com

bittner@fr.com

FISH & RICHARDSON P.C.

John W. Thornburgh (*pro hac vice*)

Justin M. Barnes (*pro hac vice*)

Lara S. Garner (*pro hac vice*)

Ryan P. O'Connor (*pro hac vice*)

12390 El Camino Real

San Diego, CA 92130

Telephone: (858) 678-5070

Facsimile: (858) 678-5099

Email: thornburgh@fr.com

barnes@fr.com

garner@fr.com

oconnor@fr.com

FISH & RICHARDSON P.C.

Michael J. McKeon (*pro hac vice*)

Peter J. Sawert (*pro hac vice*)

Dmitry Brant (*pro hac vice*)  
Ryan P. O'Connor (*pro hac vice*)  
1425 K Street, N.W.  
Washington, DC 20005  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331  
Email: mckeon@fr.com  
sawert@fr.com  
brant@fr.com

R. RITCH ROBERTS, PLLC  
R. Ritch Roberts, III (TX SBN 24041794)  
6060 N. Central Expressway, Suite 560  
Dallas, TX 75206  
Telephone: (214) 800-2086  
Facsimile: (214) 747-2091  
Email: ritch@northtexastriallawyers.com

**ATTORNEYS FOR DEFENDANTS  
AMAZON.COM, INC. AND ZAPPOS.COM,  
INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 13, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by email and/or fax.

/s/ Michael E. Jones

Michael E. Jones